

JUL 27 2012

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>MONMOH DUKURAY,</p> <p style="text-align: center;">Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>
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No. 09-73642

Agency No. A096-146-487

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted July 17, 2012**

Before: SCHROEDER, THOMAS, and SILVERMAN, Circuit Judges.

Monmoh Dukuray, a native and citizen of Sierra Leone, petitions for review of the Board of Immigration Appeals’ (“BIA”) order dismissing his appeal from an immigration judge’s decision denying his application for asylum and withholding of removal. We have jurisdiction under 8 U.S.C. § 1252. We review for

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

substantial evidence factual findings. *Sowe v. Mukasey*, 538 F.3d 1281, 1285 (9th Cir. 2008). We deny the petition for review.

The record does not compel the conclusion that Dukuray established changed or extraordinary circumstances to excuse his untimely asylum application. *See* 8 C.F.R. § 1208.4(a)(4), (5). Accordingly, his asylum claim, including his claim for humanitarian asylum, fails.

Substantial evidence supports the agency's finding that, even if credible, and even if he established past persecution, Dukuray failed to establish eligibility for relief due to changed country conditions. *See Sowe*, 538 F.3d at 1286 (evidence of fundamental changes in Sierra Leone rebutted the presumption of a fear of future persecution).

PETITION FOR REVIEW DENIED.